THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27469 OF 2005

Dt.26.12.2005

Between:

S.C.Anoop and another … Petitioners

And

Kurnool Municipal Corporation,

Kurnool, rep. by its Commissioner. … Respondent

ORDER:

Heard the learned counsel for the petitioners and the learned counsel on behalf of the respondent.

The petitioners submit that they are the owners of land to an extent of Ac.0.33 Cents situated in Survey No.64/2 at Kurnool and they have submitted an application on 17.5.2005 seeking permission to construct a residential building and based on the said application the respondent issued an endorsement in B.A.No.80/2005/G-2 dated 13.9.2005 requesting the petitioner to fulfill the ten conditions mentioned therein. As against the said endorsement dated 13.9.2005, the petitioners made a representation on 20.9.2005 requesting the petitioner to furnish information as to the provision of law under which various amounts mentioned in items 1 to 9 are liable to be paid. It is stated that without furnishing any provision of law or relevant rules the respondent is insisting that unless the said

conditions are fulfilled permission to construct the building will not be sanctioned.

The learned counsel for the petitioner submits that the petitioners have no objection to pay any amount required under relevant provision of law, but without mentioning the relevant provision of law insisting of such payments and insisting to handover certain extent of land of 10% of the open space cost as per market value may not be justified. The learned counsel also submits that he has also filed W.P.No.27468 of 2005 questioning condition No.10 of the endorsement dated 13.9.2005 as the legal requirement was already shown.

Having regard to the facts and circumstances of the case, I am of the opinion that it is just and proper to direct the respondent to furnish the relevant provision of law for fulfilling condition Nos.1 to 9 in the impugned endorsement dated 13.9.2005. Accordingly, the respondent is directed to furnish the relevant provision of law for fulfilling condition Nos.1 to 9 by the petitioners within four weeks.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

26.12.2005

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